IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CW.P. No.3567 of 2007
Date of Decision: 3.10.2007

Baldev Singh and others .....Petitioners

Vs.

State of Punjab and others ...Respondents

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CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE RAJIVE BHALLA

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Present : Mr.R.S. Manhas, Advocate for the petitioners.
Mr.Manoj Bajaj, Sr. DAG, Punjab.

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RAJIVE BHALLA, J

The petitioners herein, pray for the issuance of a writ in the nature of Certiorari for quashing the order dated 16.11.2006, whereby the bus stand fee of Rs.5/- per trip has been enhanced to Rs.20/- per trip, with respect to mini buses.

The petitioners were granted State carriage permits to run mini buses, on routes as well as rates fixed by the Regional Transport Authority, Jalandhar. The mini buses are to be parked at the local bus stand, in the present case, the bus stand at Pathankot. A bus stand fee of Rs.5/- per trip was charged from each mini bus. The Government of Punjab, renovated the bus stand and thereafter vide order dated 16.11.2006, enhanced the bus stand fee, for mini buses from Rs.5/- to Rs.20/- per trip. It is this enhancement that the petitioners seek to impugn on the plea that it is arbitrary and violative of Article 14 of the Constitution of India.

Counsel for the petitioners contends that the increase of bus

stand fee by four times i.e. from Rs.5/- to Rs.20/- is unjustified. While enhancing this fee, the respondents have purportedly exercised powers under Rule 200(3) of the Punjab Motor Vehicle Rules 1989. The enhancement is not based upon any rationale criteria and even otherwise is discriminatory as the fee being charged for mini buses at bus stand at Gurdaspur has been enhanced from Rs.5/- to Rs.10/-. It is asserted that as there is no distinction between the two bus stands, the fee is arbitrary. It is further argued that the fee has been enhanced at the behest of the private contractors, who have been entrusted with the management of the bus stand.

Counsel for the State of Punjab, on the other hand, contends that there can be no comparison between the bus stands at Gurdaspur and Pathankot. The bus stand at Pathankot has been renovated and all modern facilities have been provided to passengers and bus operators. The bus stand at Gurdaspur, is old and does not have any modern facilities. The fee was enhanced keeping in mind the increase in facilities provided to the passengers and bus operators. It is further submitted that as the petitioners have failed to place on record any material, to suggest that the enhancement of fee is in any manner, arbitrary, the present petition be dismissed.

We have heard learned counsel for the parties and perused the paper book.

The power to prescribe rate of fee for entry into a bus stand falls within the sole domain of the executive. A court may be justified in interfering only where the fee is demonstratively arbitrary, unreasonable or violative of the principles of Article 14 of the Constitution of India on the basis of material placed on record. Admittedly, the bus stand at Pathankot has been recently renovated and all modern facilities are being provided to

passengers and bus operators. The petitioners have failed to place on record any material that would enable us to record a finding that the enhancement of fee from Rs.5/- to Rs.20/- is in any manner arbitrary. In our considered opinion, as the bus stand has been renovated and modern facilities have been provided, there was reason sufficient for the respondents to have enhanced the entry fee from Rs.5/- to Rs.20/-.

As regards the petitioners submission that in the case of Gurdaspur, the fee has been enhanced from Rs.5/- to Rs.10/-, suffice it to say that the bus stand at Gurdaspur, as averred in the written statement filed by the respondents, which fact has not been controverted by the petitioners, does not possess the same facilities, as are being provided in the newly renovated bus stand at Pathankot. Thus, for the petitioners to contend that charging of a higher fee than charged at bus stand Gurdaspur, would be violative of Article 14 of the Constitution of India, cannot be accepted.

Another contention, namely; that the fee has been raised at the behest of the private contractors, merits rejection. No factual basis has been laid in the present petition in support of the above assertion except for a bald averment. As the enhancement of fee from Rs.5/- to Rs.20/-is neither unreasonable, arbitrary nor violative of Article 14 of the Constitution of India, we find no merit in the present petition, which is accordingly dismissed with no order as to costs.

(RAJIVE BHALLA)
JUDGE

3.10.2007 (UMA NATH SINGH)
GS JUDGE